

# The Gazette of India

## EXTRAORDINARY PART II—Section 2 PUBLISHED BY AUTHORITY

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### LOK SABHA

The following Bills were introduced in Lok Sabha on the 20th December, 1957:—

BILL NO. 90 OF 1957

*A Bill further to amend the Code of Criminal Procedure, 1898.*

BE it enacted by Parliament in the Eighth Year of the Republic of India as follows:

1. (1) This act may be called the Code of Criminal Procedure (Amendment) Act of 19 .

Short title,  
extent and  
commence-  
ment.

5 (2) It shall extend to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force at once.

V of 1898. 2. After the first proviso to section 198 of the Code of Criminal Procedure, 1898 the following proviso shall be inserted, namely:—

Amendment  
of section  
198.

10 "Provided further that when the person so aggrieved is a woman, the police may make a complaint on her behalf, if information relating to the commission of the offence of bigamy is given to the police."

## STATEMENT OF OBJECTS AND REASONS

At present for the offence of bigamy a person aggrieved is to make a complaint to the magistrate. That means if a husband marries a second time in the life time of his first wife the woman or somebody on her behalf has to lodge a complaint to a magistrate. This would mean that the woman would be required to spend money in litigation. The object of the Bill is therefore to remove this hardship.

NEW DELHI;

SHRIMATI SUBHADRA JOSHI.

*The 19th November, 1957.*

## BILL NO. 98 OF 1957

*A Bill to regulate, supervise and control teaching institutions run by private agencies in the Union territory of Delhi.*

BE it enacted by Parliament in the Eighth Year of the Republic of India as follows:—

(1) This Act may be called the Delhi Regulation and Super- Short title  
vision of Educational Institutions Act, 19 . and extent.

5 (2) It extends to the Union territory of Delhi.

2. In this Act, unless the context otherwise requires,—

Definitions.

(1) “authority” means the “the Education Board” established under section 7 of the Act.

10 (2) “educational institution” includes a private school or college which is recognised by and is receiving aid from the Government, and any person or body of persons maintaining any coaching institutions, land and buildings, the play grounds, hos-  
tels of the school or the college as the case may be and residen-  
tial houses attached or appurtenant to it; and such private  
15 or public institutions imparting training in engineering, over-  
seeing, embroidery, tailoring, typewriting and shorthand and  
commercial accountancy.

(3) “head of an institution” includes principal, owner, manager or proprietor of an educational institution.

20 (4) “prescribed” means prescribed by rules made by the Central Government.

Registration  
of institu-  
tions.

3. All educational institutions shall be registered, on an application made by the head of an educational institution by the authority and shall obtain a certificate for starting the institution.

Register for  
registration  
of institu-  
tions.

4. (1) The authority shall maintain a register in the prescribed form, setting forth the following particulars concerning an educa- 5  
tional institution :

(a) the name of the institution;

(b) the type and nature of education imparted;

(c) number of students attending classes;

(d) number of buildings, playgrounds, hostels and other 10  
residential houses attached or appurtenant to it;

(e) movable property such as furniture, books, apparatus,  
maps and other equipment pertaining to the educational insti-  
tution;

(f) name of the head of the institution; 15

(g) number of teachers or professors, as the case may be  
together with their qualifications and experience.

(2) The authority shall publish quarterly a list of all educational  
institutions which have been registered under this Act in the  
official Gazette. 20

Application  
for registra-  
tion.

5. (1) Applications for obtaining a certificate under section 3  
shall be made in writing to the authority in such form and con-  
taining such particulars as may be prescribed.

(2) On receipt of an application made under sub-section (1), the  
authority may, after making such enquiry as may be considered 25  
necessary, grant a certificate in the prescribed form, subject to such  
terms and conditions as it may think fit to impose. The authority  
may, for reasons to be recorded in writing, refuse to grant the  
certificate to any educational institution.

(3) A certificate granted under sub-section (2) shall be renewed 30  
after three years unless it is cancelled earlier by the authority. The  
authority may suspend or cancel a certificate if it is satisfied that the  
educational institution is indulging in such activities as are derog-  
atory to the objects of the institution or are dangerous to peace.

(4) no such certificate shall be granted to any educational institution which,—

(i) is not housed in a suitable building with adequate sanitary and seating arrangements;

5 (ii) has not a playground and enough space for rest and recreation;

(iii) is housed in a shop or residence of the owner, proprietor or any other person as the case may be.

(5) Any head of the institution who contravenes the provisions of 10 this section shall be punished with a fine of one thousand rupees or with imprisonment which may extend to one year or with both.

**7. (1) The Delhi Administration shall constitute an Education Board to regulate and supervise from time to time the establishment, management and maintenance of educational institutions.** Education Board.

15 (2) The Education Board shall consist of non-official Chairman and not less than 15 members,—

(i) of whom two shall be from amongst the guardians of the students receiving education in the educational institutions;

(ii) two shall be from amongst teachers;

20 (iii) four shall be members of Parliament;

(iv) four shall be from Delhi Corporation; and

(v) three shall be nominated by the Central Government.

(3) The authority may prescribe the qualifications for appointment of members of the Board, the procedure to be followed in the 25 meetings of the Board and all incidental matters for the proper working of the Board.

8. (1) The head of an institution shall be responsible for the conduct of the school in accordance with the provisions of this Act and shall also be subject to such directions, orders and conditions 30 issued from time to time by the Education Board. Duties of head of the institution.

(2) It shall be the duty of the head of the institution to—

(i) keep in his custody properties of the school;

(ii) maintain the records of the school and cause them to be shown to the Education Board as and when asked for;

35 (iii) afford all assistance and facilities to the Education Board and to carry out all its orders issued from time to time;

(iv) maintain a register of teachers with their qualifications and salaries.

(3) If any head of the institution contravenes the provisions of this section, he shall be punishable with fine which may extend to one thousand rupees or with imprisonment which may extend to one year or with both.

Register of  
teachers.

9. (1) The register shall be maintained in such manner and in such form as may be directed by the authority from time to time. 5

(2) No person who is not registered shall be eligible for appointment as a teacher in any educational institution.

Appoint-  
ment of  
teachers.

10. (1) All teachers shall be appointed by the head of the institution provided they are qualified for the job entrusted to them and after their appointment is approved by the authority. 10

(2) The authority may, by a notification in the official Gazette, extend to the teachers any schemes of pension, provident fund and insurance as are applicable to teachers employed in the Government service. 15

Taking over  
management  
of the insti-  
tution.

11. (1) The authority may take over the management of any educational institution,

(a) if the head of the institution,—

(i) has failed to look after the institution properly, and

(ii) has neglected to perform any duty imposed by the Central Government or the Board from time to time. 20

(b) which it deems fit in the public interest.

(2) Where any school is taken over under this section, the head of the institution shall pay all sums towards defraying of expenses of the institution. 25

## STATEMENT OF OBJECTS AND REASONS

There exist in the Union Territory of Delhi numerous privately run institutions which claim to impart education of one sort or the other. Many of them are neither suitably housed nor have proper teaching staff. The facilities they provide for the education of students studying there are also inadequate. Some of them carry out attractive publicity and admit large number of students, charge securities from teachers and heavy fees from boys and girls.

2. This Bill is intended to regulate the working of all such institutions, supervise and control them in such manner as will neither place unnecessary restrictions on their freedom nor permit exploitation of students for private ends.

3. The object of this Bill, therefore, is to help these institutions to meet the need of the situation, viz., the imparting of different types of education and at the same time protecting interests of both students and the institutions.

NEW DELHI;

RADHA RAMAN

*The 12th November, 1957.*

## FINANCIAL MEMORANDUM

Clause 7(1) of the Bill contemplates the constitution of an Education Board and some staff may also be required to assist the work of the Education Board. It is envisaged that the Education Board may have to be financed in regard to its expenditure on staff and contingencies by way of grants from the Consolidated Fund of India. The expenditure on this account may be nominal, and may even be covered by small registration fee recoverable annually from the educational institutions themselves.



### MEMORANDUM REGARDING DELEGATED LEGISLATION

In clause 5(1) it is proposed to delegate to the Education Board powers to prescribe forms with various particulars. Under clause 7(3) it is proposed to delegate to the Education Board power to prescribe qualifications for appointment of members of the Board, procedure to be followed in the meetings of the Board and all incidental matters for the proper working of the Board.

The delegation of legislative power to the authority is of a normal type.

M. N. KAUL,  
*Secretary.*

